

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Findings on Two Petitions, and of Review of Two Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Petition findings and review.

SUMMARY: The Service announces finding that a petition requesting that those populations of the Lahontan cutthroat trout in the main stem of the Truckee River, and in Pyramid Lake, Nevada, be removed from the List of Endangered and Threatened Wildlife, and that a petition to determine endangered status for the Florida Keys marsh rabbit have presented substantial information indicating that such actions may be warranted. The Service announces reviews of the status of both of the involved species.

DATE: Relevant information or comments may be submitted until further notice.

ADDRESSES: Information, comments, or questions should be submitted to the Associate Director—Federal Assistance (OES) Room 3024, Department of Interior, U.S. Fish and Wildlife Service, Washington, D.C. 20240. The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires the Service to make a finding on whether a petition to add a species to the Lists of Endangered and Threatened Wildlife and Plants, or to remove or reclassify a species, presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, such a finding is to be made within 90 days of receipt of the petition, and the finding is then to be promptly published in the Federal Register. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species. Recently, the Service received and made findings on the following two petitions.

1. A petition from Ms. Laura B. Ahearn of Lionel, Sawyer & Collins, Attorneys for the City of Reno and the City of Sparks, dated February 28, 1985, and received by the Service on March 19, 1985, requests that those populations of the Lahontan cutthroat trout (*Salmo clarki henshawi*) that occur in the main stem of the Truckee River and in Pyramid Lake, Nevada, be removed from the List of Endangered and Threatened Wildlife. The petition contains documentation suggesting that the numbers of this fish have increased substantially in recent years. The Service has made the finding that this petition does present substantial information indicating that the requested action may be warranted.

2. A petition from Ms. Joel L. Beardsley, Mariposa, RR 2 Box 441, Summerland Key, Florida 33042, dated April 11, 1985, and received by the Service on April 27, 1985, requests determination of endangered status for the Florida Keys marsh rabbit (*Sylvilagus palustris hefneri*). This mammal, which was named and described in 1984, is known to occur only in a few locations in the lower (or western) Florida Keys. The petition contains documentation suggesting that the marsh rabbit's restricted habitat is jeopardized by development, and that it has become very scarce in recent years. The Service has made the finding that this petition does present substantial information indicating that the requested action may be warranted.

As required in the case of a positive finding, the Service hereby initiates status reviews of the indicated populations of the Lahontan cutthroat trout and the of the Florida Keys marsh rabbit. The Service also plans to include the latter species in a forthcoming revised Review of Vertebrate Wildlife.

Section 4(b)(3)(B) of the Act requires that within 12 months of receipt of a petition found to present substantial information, a finding be made as to whether the petitioned action is not warranted, warranted, or warranted but precluded by other listing activity. All comments and information received in response to the status reviews of the indicated populations of the Lahontan cutthroat trout and of the Florida Keys marsh rabbit will be considered in making such findings regarding these species.

The authors of this notice are Ronald M. Nowak and James D. Williams, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975 or FTS 235-1975).

Authority

Endangered Species Act (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: August 22, 1985.

P. Daniel Smith,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

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